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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUVENAL ROBLES and ABEL FIGUEROA,
individually and on behalf of a class of
similarly situated individuals,

Plaintiffs,

v.

LUCKY BRAND DUNGAREES, INC., a
Delaware corporation, KIRSHENBAUM
BOND SENEAL & PARTNERS LLC f/k/a
KIRSHENBAUM BOND & PARTNERS
LLC, a Delaware limited liability company,
d/b/a Lime Public Relations + Promotion, and
KIRSHENBAUM BOND & PARTNERS
WEST LLC, a Delaware limited liability
company,

Defendants.

Case No. 10-cv-04846 MMC

**JOINT REPORT ON STATUS OF
SETTLEMENT; STIPULATION AND
~~[PROPOSED]~~ ORDER CONTINUING
STAY OF LITIGATION PENDING
CLASS ACTION SETTLEMENT; DIRECTIONS
TO PARTIES**

The Honorable Maxine M. Chesney

1 KIRSHENBAUM BOND SENECA &
2 PARTNERS LLC f/k/a KIRSHENBAUM
3 BOND & PARTNERS LLC, a Delaware
4 limited liability company, d/b/a Lime Public
Relations + Promotion, and KIRSHENBAUM
BOND & PARTNERS WEST LLC, a
Delaware limited liability company,

5 Third-Party Plaintiffs.

6 v.

7 MERKLE INC., a Maryland Corporation,
8

9 Third-Party Defendant and
10 Fourth-Party Plaintiff.

11 v.

12 RGAR HOLDINGS, LLC, a Florida limited
13 liability company, formerly known as TAKE 5
14 SOLUTIONS, LLC., a Florida limited liability
company.

15 Fourth-Party Defendants.
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1 Plaintiffs Juvenal Robles and Abel Figueroa (together, "Plaintiffs"), Defendant Lucky Brand
2 Dungarees, Inc. ("Lucky"), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
4 Bond & Partners West LLC (together, "Lime"), Third-Party Defendant Merkle Inc. ("Merkle"), and
5 Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC ("Take 5")(collectively,
6 the "Parties"), by and through their counsel, submit the following Joint Statement on the Status of
7 Settlement, and Stipulation to Continue the Stay of Proceedings for an additional thirty-five (35)
8 days:

9 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had
10 reached an agreement as to the material terms of a class action settlement and requested that the
11 Court stay all pending motion and discovery deadlines. (Dkt. 85.) On May 30, 2012, the Court
12 granted the Stipulation and further instructed the Parties to file a Joint Stipulation on the status of
13 the settlement or a motion for preliminary approval on or before July 13, 2012. (Dkt. 86.)

14 2. As was previously reported to the Court, the Parties were able to reach agreement
15 only after engaging in two settlement conferences with Magistrate Judge Howard Lloyd and a one-
16 day private mediation with the late Judge Politan. After Judge Politan unexpectedly passed away
17 with his mediator's proposal pending (which were not ultimately accepted in full by all the
18 Parties) the Parties engaged in settlement discussions amongst themselves and were able to reach an
19 agreement as to all material terms of a class action settlement of this matter.

20 3. After reaching the agreement, Plaintiffs' counsel prepared and circulated a draft class
21 action settlement agreement as well as draft notices announcing the proposed settlement and
22 advising proposed members of the class of their rights. Counsel for each of the Defendants, as well
23 as insurers, and representatives of the Defendants have reviewed and made edits to the initial draft.

24 4. Given the complexity of the agreement, the Parties are still working through certain
25 issues that have arisen with the multiple rounds of edits that have occurred. For instance, Take 5
26 was not an original party to the agreement, but further negotiations have resulted in their inclusion.

27 5. In addition to preparing and finalizing the required settlement documents, the Parties
28 have solicited proposals from four professional class action administrators for settlement

1 administration as well as a notice plan that provides the best notice practicable under the
 2 circumstances in satisfaction of Rule 23 and Due Process. The Parties are still in the process of
 3 vetting the various proposals—and revisions thereof—but anticipate selecting a settlement
 4 administrator in seven (7) days.

5 6. The Parties have been diligently working to finalize the papers setting forth the
 6 settlement of this class action and they are substantially completed. The Parties anticipate that the
 7 settlement papers will be executed, and that Plaintiffswill move for preliminary approval of the
 8 class action settlement if given an additional thirty-five (35) days.

9 7. The Parties therefore stipulate to staying all pending motion and discovery deadlines
 10 in this case to allow them time to finish memorializing the settlement terms and finalizing the notice
 11 plan.

12
 13 **IT IS SO JOINTLY REPORTED AND STIPULATED.**

14
 15 Dated: July 13, 2012

16 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17 By /s/ Brian R. Blackman
 18 CRAIG CARDON
 19 BRIAN R. BLACKMAN
 Attorneys for
 20 Defendant LUCKY BRAND DUNGAREES, INC.

21 Dated: July 13, 2012

22 EDELSON MCGUIRE LLC

23 By /s/ Ryan D. Andrews
 24 RYAN D. ANDREWS
 25 SEAN REIS
 Attorneys for
 26 Plaintiffs JUVENAL ROBLESand ABEL FIGUEROA

1 Dated: July 13, 2012

2 WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

3 By /s/ David Sheiffer
4 DAVID SHEIFFER
5 SARA J. SAVAGE
6 Attorneys for
7 Defendants KIRSHENBAUM BOND SENEAL &
PARTNERS LLC and KIRSHENBAUM BOND &
PARTNERS WEST LLC

8 Dated: July 13, 2012

9 LATHAM & WATKINS LLP

10 By /s/ Peter Winik
11 PETER WINIK
12 MATTHEW RAWLINSON
13 SARAH GRAGERT
14 Attorneys for
Third-Party Defendant MERKLE, INC.

15 Dated: July 13, 2012

16 MCDERMOTT WILL & EMERY LLP
Attorneys for RGAR Holdings, LLC

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18 By /s/ Peter J. Drobac
19 Daniel E. Alberti
20 Peter J. Drobac
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CERTIFICATION

I, Ryan D. Andrews, am the ECF User whose identification and password are being used to file this *Joint Report on Status of Settlement and Stipulation And [Proposed] Order Continuing Stay Pending Class Action Settlement*. In compliance with General Order 45.X.B., I hereby attest that the Counsel whose electronic signatures appear on this document have concurred in this filing and that the same will be delivered to those registered with the Court's CM/ECF system.

Dated: July 13, 2012

EDELSON MCGUIRELLC

By

/s/ Ryan D. Andrews

RYAN D. ANDREWS

Attorneys for

Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA

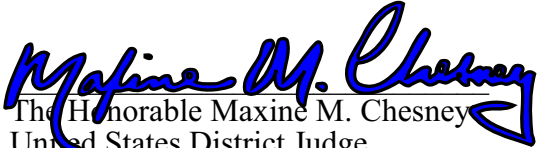
ORDER

Having considered the Parties Joint Report on the Status of Settlement and Stipulation and good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and all discovery obligations, shall be stayed for a period of thirty-five (35) days from the date of this Order.

The parties are directed to file, no later than August 22, 2012, a Joint Status Report, said deadline to stand vacated without further order of the Court in the event plaintiffs have filed, on or before August 22, 2012, a motion for preliminary approval of the settlement.

IT IS SO ORDERED.

Dated: July 18, 2012


The Honorable Maxine M. Chesney
United States District Judge